

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Land acquisition - Yeleru Reservoir Project - East Godavari District - Peddapuram Division -Yeleswaram Mandal, Kambalapalem Village, - Land acquired under Award No.21/88,dated.22.10.88 for YRP - Land value enhanced in O.P.No.147/94 - Appeal filed in A.S.No.1514/2002 - Dismissed - Sanctioned decretal amount vide G.O.Rt.No.469, I&CAD (PW.LA.I) Department, dt.19.8.2007 - Sanction of balance decretal charges - Orders - Issued.

IRRIGATION & CAD (PW.L.A-1) DEPARTMENT

G.O.Rt.No. 720

Date: 17.9.2009

Read the following

1. G.O.Rt.No.469, I&CAD (PW.LA.I) Department, dt.19.8.2007
2. From the Collector & District Magistrate, East Godavari District, Lr.No. G1/2784/2007, dated. 5.2.2009.
3. From the Chief Commissioner of Land Administration, A.P, Hyderabad, letter No.SPR3/104/ 2009, dated.26.3..2009.

@@@

ORDER:-

In the reference 1st read above, Government have sanctioned and released an amount of Rs.5,99,835/- towards decretal amount to comply with the orders of Hon'ble High Court of Andhra Pradesh in A.S.No.1514/2002, dt.29.12.2006 filed against O.P.No.147/94 regarding to Yeleru Reservoir Project and the same was deposited before the reference court to the credit of E.P.No.144/03 in O.P.No.147/94.

2. In the reference 2nd read above, the Collector & District Magistrate, East Godavari has reported that in the earlier payments, the JDR has appropriated the amount towards principle as per the existing rules and there by interest was exhausted, the DHR is claiming further interest as per the latest judgment of Hon'ble Supreme Court of India in Gurupreet Singh Vs Union of India and hence the E.P. filed by the DHR is still pending. Basing on the decision of Hon'ble Supreme Court of India, the Revenue Divisional Officer, Peddapuram has submitted proposals for balance decretal amount in O.P.No.147/94 and requested the Government to sanction and release an amount of Rs.1,65,145/- towards balance decretal amount for realization of E.P.No.144/03 filed in O.P.No.147/94. The Chief Commissioner of Land Administration, A.P., Hyderabad, has forwarded the proposal of the District Collector, East Godavari District and recommended the Government to sanction the amount.

3. Government have examined the matter carefully and hereby sanction for an amount of Rs.1,57,645/- (Rupees One lakh Fifty Seven thousand Six hundred and Forty Five only) towards balance / final decretal amount for realization of E.P.No.144/03 filed in O.P.No.147/94., subject to verification whether the reference under section 18 of the LA Act is made to the lower court after following all the guidelines / directions on the subject and in the case it is detected that Sec.18 reference was made contrary to the rules / guidelines

Contd..2.

//2//

issued by the Government /CCLA immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the ENC (Irr), VYPP as to the extent of land acquired. Further, the Collector should verify the calculations made by the LAO/RDO once again thoroughly with reference to the decree and instructions issued by the Govt/CCLA on the subject from time to time before depositing the amount in Civil Court, duly deducting the Income Tax as per rules in force.

4. The amount sanctioned in para (3) above shall be deductible to "4701 -COL on Major & Medium Irrigation - 01 Major Irrigation (Commercial) - M.H. 116 Y.R.Scheme - G.H.11 Normal State Plan - S.H (26) D&A Works - 530 Major Works - 532 Lands (Charged)". In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

5. The District Collector, East Godavari District, Kakinada shall follow the directions issued by the Hon'ble High Court on 30.4.2007 in W.P.No.2181 of 2005 in disbursement of the above sanctioned decretal charges to the rightful claimants in respect of O.P.No.147/94, under Yeleru Reservoir Project for avoiding intervention of the middlemen.

6. The Engineer-in-Chief, Irrigation, Hyderabad shall take necessary steps for release of L.O.C.

7. This order issues with the concurrence of Finance (Works & Projects) Department vide their U.O.No.3377/F.7(A1)/09-1, dt.31.8.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHAILENDRA KUMAR JOSHI
PRINCIPAL SECRETARY TO GOVERNMENT

To,

The District Collector, East Godavari, Kakinada.

The Chief Commissioner of Land Administration, A.P., Hyderabad.

The Engineer-in-Chief(Irr), Errumanzil, Hyderabad.

The Revenue Divisional Officer, Peddapuram, E.G. Dist.

The Director of Works Accounts, Hyderabad.

The Joint Director of Works Accounts, Dowlaiswaram.

The Accountant General, Andhra Pradesh, Hyderabad.

Copy to:-

The Finance (Works & Projects) Department

Stock File / Spare copies

In the file C.No.8773/L.A.I(A2)/2009

//FORWARDED :: BY ORDER//

SECTION OFFICER